

BOARD OF SELECTMEN

March 25, 2014

Minutes

The Board of Selectmen met on Tuesday, March 25, 2014 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John Gorecki, Peter Scavongelli, John D. Williams and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present.

Also in attendance:

Matt Aeschliman, River Road

Attorney Sherrill Gould

David and Michelle Coleman, Cutters Ridge Road

David Freedman, Planning Board

Priscilla Stevens, Highland Building Committee

Ann Chase, Fiske Street

Ralph Anderson, Baldwin Road

Nathan Brown, Planning Board

Marc Lamere, Planning Board

Mr. Hult stated that the Board would go into Executive Session briefly and return to open session.

At 7:02 a motion was made by Mr. Williams for the Board to enter into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraph (2) to discuss strategy with respect to contract negotiations with non-union personnel as an open meeting would have a detrimental effect on the Town's bargaining position and that the Board will return to open session. The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Hult –aye; Scavongelli – aye; Williams – aye; and Stevenson – aye.

At 7:10 p.m. the Board returned to open session.

Community Input Matt Aeschliman spoke to the Board about his proposal of extending the sidewalk (pathway) from Kimball's Ice Cream stand on Bedford Road to the new Foss Farm trail entrance on Bedford Road. He and several neighbors on Bedford and River Road want to be more integrated with the Town and have better access to the sites along this route. They believe this proposal would provide a safe way for pedestrians to travel along Bedford Road.

Mr. Goddard said the pathways committee no longer exists however he added that Deb Belanger is a member of the traffic and pedestrian safety committee and suggested that Mr. Aeschliman contact her with this proposal.

Approval of Police Chiefs Employment Agreement

Mr. Stevenson said the Board has discussed at length the updated Police Chiefs contract in Executive Session and it is before the Board tonight for approval. Mr. Stevenson highlighted the changes in the contract. He said the Board chose to work towards a five year contract which includes an increase in salary in the first year which brings him up to a level to commensurate with our surrounding

Board of Selectmen

March 25, 2014

1

Approved: 4/8/14

community. He said there will be more modest increases over the next few years. Mr. Stevenson added that the contract includes increases to his uniform and dry cleaning expenses.

Mr. Gorecki arrived

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli, it was unanimously **VOTED** to enter into a five year employment agreement between the Town of Carlisle and the Chief of Police dated 3-25-14.

Mr. Stevenson said this Board and the community have realized that Chief Fisher is an excellent fit with our community. He has just completed his three year contract with the Town and he has provided a great deal of stability and professionalism in the community and we all agree that he is a real asset to the department.

Discussion of Cutter's Ridge Road Citizens' Petition

Mr. Hult said two years ago the Town did a study of all the roads in Town that had been approved and which were not approved as Town roads. He said at that time we instituted a policy that we would plow only town roads. As a result of that decision four roads that were previously plowed were no longer plowed. Mr. Hult said this spring the Board received a petition from the neighbors on Cutters Ridge Road requesting to become accepted as a town way.

Attorney Sherrill Gould was present, representing the petitioners. She gave a brief history on Cutters Ridge Road, which was a subdivision built in the late 1980's. She said around 1989 a deed was drafted conveying the road to the Town and the history on this road will reveal that some of the work was done. Attorney Gould said in February, 1989 the Planning Board approved Cutters Ridge Road. It was formerly known as Lanes End Road. In March of 1989 the Planning Board presented Cutters Ridge Road before the then Board of Selectmen for acceptance and in April 1989. It was brought before the Town Meeting floor but it was tabled for a reason that something to do with a Conservation Commission issue that was outstanding. Attorney Gould added that it was later determined that there was no conservation issue. She said that the Town had 'bonds' on the lots. She added that no as-built plans can be located.

Attorney Gould thought she could resurrect the old deed and start again, however through conversations Attorney Harrington and Mr. Goddard it was suggested that the way the best way to move forward was through a citizen's petition.

Attorney Gould referred to the list of items (attached hereto) that the Planning Board has asked the petitioners to fulfill. This included having an as-built plan; the Town engineer review the as-built plan, questions answered about the ownership of the road, and a stormwater plan.

Attorney Gould said the Planning Board requested that the road be brought up to today's standards. The major costs for re-surfacing of the road would be approximately \$48,000. Attorney Gould said perhaps a betterment charge could be taxed to these residents to defer the cost over a period of time. Attorney Gould said she was here tonight to ask the Board for direction on this matter.

In reply to Mr. Stevenson, Attorney Gould said they have a plan to meet all the conditions (attached hereto) the Planning Board has presented to them. Mr. Stevenson said if the Planning Board's standards are met, he would support this as a public way.

Mr. Goddard said the Town does not have an engineer however Gary Davis, our DPW supervisor is aware of the issues with the road.

Mr. Stevenson said we will need to discuss the fire pond and fire hydrant with the fire department.

David Freedman from the Planning Board said in regard to fire protection, that is an issue between the Board of Selectmen and Fire Department.

Mr. Hult said in summary, there are three issues that will need continuous dialogue: the betterment of the road; the taking of the lot and attending to the issues with the fire pond.

David said because we don't have an engineer, he suggested the he and George Mansfield and Gary and one of the Planning Board's peer engineers do an assessment for about an hour to see whether there are issues that might cost additional money.

Board of Selectmen
March 25, 2014

In reply to Mr. Stevenson, David said on what we know on these issues he believes we could get this be done by the 2015 annual Town Meeting.

Mr. Gorecki said he would be willing to work with Mr. Goddard and David Freedman on this matter.

Presentation: Highland Building

Priscilla Stevens was present to discuss the Highland Building in regard to a breakdown of the Warrant Article funds and figures on how we would support the operations of the building without reverting to the Town. She brought documents that described the operations of local community centers. They were the Roudenbush Community Center in Westford, 51 Walden in Concord, the Chelmsford Center for the Arts, the Wellesley Community Center, and, the Dennison Memorial Community Center in New Bedford. Priscilla gave an explanation of each and how/where they were originally developed from and where they are today. She provided this information to show how this can be done. She said the fact that they are breaking even or making a profit was more than possible.

In regard to the Breakdown of the Warrant Article Funds, Priscilla passed out a document prepared by Spencer Vogt Group (attached hereto). Priscilla said they are asking for \$75,000 for design and develop and \$10,000 for administration costs, such as research, publicity, consulting and legal fees.

Mr. Hult said our intent tonight is not to make any decision on this article.

Mr. Gorecki asked about renting rooms/space for events for revenue. Priscilla said they would encourage renting rooms for events, even wedding receptions.

Mr. Williams asked about seating; Priscilla said on the top floor there would be theatre seating for 150 people and if you seat people at tables for an event there is room for 100 people. She said the total capacity of building is 300.

Ann Chase, from Fiske Street said the number they were discussing were really a break-even analysis and they are really designed to illustrate the minimum level of activity required to break even to cover operating costs. Mr. Stevenson asked Priscilla if Town Meeting indicates that they do not want to spend \$85,000, what will that mean to the Committee. Priscilla said that will mean that the committee will be back to square one.

Mr. Hult said he is concerned about the level of expenditure. Mr. Scavongelli said all the Highland Building committee is asking for right now is to focus on the \$85,000.00.

Ralph Anderson of Baldwin Road asked Priscilla a few questions. He wanted to know what items are included in the other fixtures and how much they would add to the capital cost.

Priscilla said those cost would be determined in the \$75,000 study. It includes a cost estimate for all of the fixtures.

In response to Mr. Anderson's second question, Priscilla said there would be an attendant in the building during the hours the fitness center was open, however she was not certain of the fitness center hours.

In response to Mr. Anderson's final question, Priscilla said CORI checks will be required of anyone in a supervisory or instructor capacity.

Request for Non-exercise of 61A Option – 81 Russell Street

Mr. Goddard said a few months ago the Board received a letter from Edward Talbot, Jr., Trustee of the Talbot Family Trust for 81 Russell Street requesting that the Town not exercise its right of first refusal. He said the Notice we received a few months ago was determined by Town Counsel to be defective for a few specific reasons. Mr. Goddard said the Notice included a contingency which is not allowed. He said two separate Purchase and Sale agreements are necessary; one for the chapter land and one for the remainder of the parcel. Mr. Goddard said we notified the Trust at that time

that the Notice was deficient. Since that time there have been some informal meetings with representatives from the Trust and the developer and various boards in Town.

Mr. Goddard said there has been a second notice which does not totally meet the standard of an accurate notice either, however what they are proposing is that if the Board does support the Senior Residential Open Space Community Development (SROSC) that the Board consider not exercising its right of first refusal contingent upon the special permit being granted for that development by the Planning Board.

Mr. Goddard said in his letter, Counsel states that any vote would have to be contingent upon a special permit approval by the Planning Board.

Alternatively, the Board could also say this notice is also defective. If the Town was interested, a Purchase and Sale agreement would have to be prepared specifically for the Chapter land.

Mr. Hult said if choose to treat this as a valid notice then we should notify the Boards.

Planning Board chair Marc Lamere was present. Marc said if the Planning Board does not grant the special permit for a SROSC then the process starts over again.

Mr. Gorecki and Mr. Goddard will work with Marc Lamere on this matter.

Execution of Town Meeting/Town Election Warrant

Mr. Goddard presented the final Annual Town Meeting Warrant. He said there have been changes made to Article 22, the Banta Davis article.

Mr. Goddard noted that there were changes to Article 19, the Community Preservation Act article. He said at the end of the Warrant Book there is a one page summary explaining the CPA grant agreements.

Mr. Hult spoke about the possibility of Town Meeting continuing for a second night given the number of issues. He said the Highland Building committee has requested to be on the first night. He said he would like to work with the Moderator so that everything but Banta Davis and Minuteman are on the first night of Town Meeting. Mr. Hult said the second night would have only the Banta Davis and Minuteman Articles.

On a motion made by Mr. Williams and seconded by Mr. Stevenson it was unanimously **VOTED** to approve the Warrant for the Annual Town Meeting of April 28, 2014 as presented tonight.

Consideration of Approval of Flag Half Staff policy

Mr. Stevenson said this policy was discussed at our last meeting. He said our goal is to honor our service men and women when they are deceased as well as other Town Officials by lowering the American flag to half-staff from sunrise to sunset on or about the day of the funeral or memorial service for the individuals being so honored. Mr. Stevenson asked the Board to approve this policy.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to adopt the policy regarding flying the flag at half-staff as presented at tonight's meeting, March 25, 2014. (attached hereto)

New Business

Mr. Hult said the Advisory Committee for Minuteman met and they talked about the Minuteman Article. He said their goals are to have a presentation for Town Meeting and to make a recommendation to the Town and make a recommendation to the Finance Committee and Selectmen of what the advisory committee is suggesting. The Advisory Committee consists of himself, Jerry Lerman, Judy Taylor, Tim Goddard, Larry Barton, Doug Stevenson, and Wayne Davis. Mr. Hult went over the recommendations made by the Group.

Mr. Williams said he is waiting to hear from Senator Barrett's office on the Street Light issue.

Town Administrator Report

Board of Selectmen
March 25, 2014

4

Approved: 4/8/14

1. Mr. Goddard said the Fire Department and their engineer met with the Planning Board on Monday, March 24th for an informal conceptual meeting regarding the telecommunications tower. He said the Board needs to set a date for the site plan review hearing. Mr. Goddard said the Planning Board has suggested April 22nd with the understanding that the Selectmen will continue the hearing until May 27th.
2. The Agricultural Commission has organized and we have set them up with a page on the Town website.
3. Mr. Goddard informed the Board that he has prepared meeting packets for the candidates for the Board of Selectmen.
4. Mr. Goddard reminded the Board that they received an e-mail relative to a proposed ribbon-cutting ceremony for Benfield with some suggested dates and times in May. He asked that they responded to Toby Kramer at NOAH at their earliest convenience.

Liaison Reports

Mr. Hult reported on the Concord-Carlisle School Building project. He said in about one years' time the project will be complete.

Mr. Gorecki said at the Financial Management Team meeting this morning the Finance Director reported that he has been working on the final paper work for submission to MSBA.

Mr. Hult said several people attended a forum on OPEB, which he thought was very good. He said it was interesting to hear what other Towns are doing in regard to this matter.

Minutes

On a motion made by Mr. Stevenson and seconded by Mr. Williams it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of February 25, 2014 as presented.

The meeting adjourned at 9:30 p.m.

Respectfully submitted by Margaret Arena